

Appl. No. 10/086,272  
First Amendment & Response

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### REMARKS/ARGUMENTS

#### Pending Claims

Applicants respectfully note that in the Office Action mailed September 22, 2005 Paragraph 4 incorrectly indicates that claim 72 was withdrawn. Claim 72 remains currently pending in the application. Applicants appreciate the acknowledgement by the Examiner of the references submitted in the Information Disclosure Statement filed by Applicants with their last submission.

#### Changes to Claims

Claims 72, 74, 75, 77, 80, 83, 85, 86, 88, 90, 92, 95-97 and 154-228 are currently pending in the application. Previously presented claims 72, 83, 85, 86, 90, 154, 178, 179 and 203 are currently amended, previously presented claims 73, 84 and 91 have been currently cancelled, and originally and previously presented claims 74, 75, 77, 80, 88, 92, 95-97, 155-177, 180-202 and 204-228 remain unchanged from Applicants last response. Some limitations of now canceled claims 84 and 91 have been respectively incorporated in currently amended claims 72 and 90.

#### Rejections under 35 USC 112, Second Paragraph

Claims 154, 178, 179 and 203, and the claims depending there from, have been rejected under 35 USC 112, second paragraph, based on the Examiner's contention that the word "preponderance" as used in claims 154, 178, 179 and 203 renders the claims indefinite. While Applicants respectfully disagree that the word "preponderance" is a relative term that would render the claims indefinite, Applicants believe the claims 154, 178, 179 and 203 are patentable without the limitation to a "preponderance" of a succession of scan passes, and have amended claims 154, 178, 179 and 203 to delete the word "preponderance". In view of these amendments, Applicants respectfully request that the rejection of claims 154, 178, 179 and 203 and their dependent claims for indefiniteness be withdrawn.

#### Rejections under 35 USC 103(a)

Claims 72-75, 77, 80-86, 88, 90-92, 95-97 and 154-228 have been rejected under 35 USC 103(a) as unpatentable over Conemac, US 6, 175,440 in view of Hargis et al., US 6,154,259. Applicants respectfully traverse the rejection, and request reconsideration thereof.

#### Hargis et al.

In support of the rejection, the Examiner broadly contends on page 4 of the Office Action that:

"The option/choice of a system in scanning in a slant, rectangular, triangle are conventional features available in the projection art and thus the examiner relies upon Hargis which discloses the various output options (Fig 16-29)."

Applicants dispute that the option/choice of a system in scanning in a slant, rectangular, triangle are conventional features available in the projection art, and assert that the Hargis et al. reference does not show the spots oriented at a "slant, rectangular, triangle" or other pattern of spots as contended by the Examiner. Instead, Figs. 16-29 of Hargis et al. are time sequence diagrams illustrating the order in which rows within "bands" are written by the spots of a vertical column of substantially spaced apart spots on the

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screen over a series of scan passes. Applicants refer the Examiner to Hargis et al., col. 14, lin. 51-60, wherein "bands" are described to be written by a beamlet per band. Figs. 16-19 is further described at Hargis et al., col. 14, lin. 61- col. 15, lin. 28 and in particular at col. 15, lin. 1-7 as:

"In FIGS. 16-19 the scale along the horizontal axis is in terms of line periods and the numbering along the vertical axis defines the bands. The representation in the upper left corner of the FIGS. 16-19 indicates that each of the bands contains ten lines with the first darkened dot representing the first line of the first band and the second darkened dot representing the first line of the second band."

The diagram indicating the orientation of the two dark spots in the upper left corner of FIGS. 16-19 indicates a vertical orientation of the spots. There is no specific reference or suggestion in Hargis et al. for any other orientation or pattern of the spots than the vertical column shown in the figures, much less a slant or triangular or even rectangular spot pattern.

FIGS. 20-29 are further time sequence diagrams of the lines being written during different line periods of a frame period, and is not a diagram or illustration of the location of spots, or a diagram of any pattern of spots, on the screen. At col. 15, lin. 66 – col. 16, lin. 11, Hargis et al. state:

"FIGS. 20-29 illustrate the beamlet progression on the screen lines during the scanning process for various formats. The time for each of the figures is shown along the horizontal axis in units of line periods and the vertical axis shows the position of a line within a band. Each of FIGS. 20-29 illustrates the scanning process for two frames X and Y and the first line period of a third frame. Immediately to the right of the line number is a value which indicates the number of times a line is written during the two frames X and Y. A line scanned during a line period is indicated by a one in the box corresponding to the indicated time and line. If the box is empty, that line is not being written during that line period."

Each dot indicates the line being written and the line period in which the line is being written during a particular frame period defined by Hargis et al. Thus, Hargis et al. do not disclose, or even suggest, any arrangement of spots on the viewing surface other than the substantially spaced apart vertical column of spots previously discussed.

Thus, the failure of Hargis et al. to disclose any arrangement or orientation of a pattern of spots angled with respect to the lines of dot locations, and the fact that the Examiner has not specified any other reference that does so, Applicants respectfully request that the Examiner withdraw the broad statement that "The option/choice of a system in scanning in a slant, rectangular, triangle are conventional features available in the projection art...." as unsupported.

#### Conemac

On page 3 of the Official Action, the Examiner states:

"However, Conemac does not explicitly recite the use of more than 2 light beams/sources...."

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Applicants respectfully contend that the portion of the Examiner's comment set forth above is not correct, and that Conemac does in fact disclose more than two light beams projected by the scanner onto a screen, such as at col. 4, lin. 43-45:

"Each two-dimensional diode array 200,300 may thus provide from 1 to 42 separate laser beams 202, 302 simultaneously...."

Combination of Conemac & Hargis et al.

Applicants submit contend that neither Conemac nor Hargis et al. disclose or suggest a projection system as claimed by Applicants in any of the currently pending claims, either separately or in combination, and respectfully request reconsideration and allowance of the claims at issue.

Examiner's Taking of Official Notice

The Examiner has taken Official Notice of certain alleged "facts" by the following statement on page 3 of the Official Action:

"The use of one or more (meeting the claimed 2 or more, 3 or 4 or more light beams) is a conventional feature in projection systems, based upon the need of the system/designer, where a system can comprise one light sources that is separated into the respective color components or multiple beams/sources could be used thereby negating the separation state for each color, thus the Examiner takes OFFICIAL NOTICE regarding such."

Applicants respectfully traverse the appropriateness of the Examiner's taking Official Notice, and the alleged facts of which such notice is taken. Official Notice is appropriate where "Official Notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art, are capable of instant and unquestionable demonstration as being well-known." M.P.E.P. 2144.03 Applicants submit that taking Official Notice in this instance is unnecessary because several of the references cited by Applicants and by the Examiner disclose more than two beams projected onto a screen utilizing particular structures. Applicants submit that a citation of a reference for such structure is required. Such a citation to a specific reference is required to enable Applicants to address the context in which the structure alone or in combination allegedly renders a claim obvious. This analysis is not possible with a generalized statement, such as that of which the Examiner has taken Official Notice.

The portion of the Examiner's statement "based upon the need of the system/designer" simply begs the question of the context in which the selection of a particular beam and configuration is made. Applicants assert that the selection of the number of beams and whether or not beams are "separated into the respective color components or multiple beams/sources could be used" is dependent on the structure being employed by the "designer" and not appropriate for a generalized statement or for Official Notice. Applicants respectfully request that the taking of Official Notice be withdrawn, and a specific prior art reference be advanced disclosing the structure forming the basis for any rejection.

Conclusion

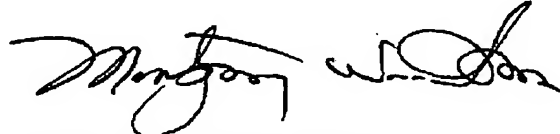
In view of the above remarks and arguments, it is believed that all claims remaining in this case are allowable over, and not anticipated by or obvious in view of any of the cited references or any combination

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thereof. Therefore, the application is in condition for allowance, and it is respectfully requested that a timely Notice of Allowability be issued in this case. Applicants would welcome an opportunity to discuss the examination of the present application with the Examiner, and the Examiner is invited to call the undersigned at (215) 493-4342 at any time during business hours of the Office.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Montgomery W. Smith", is written over a horizontal line.

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